



Attorney Docket No.: GT/83A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolfgang Buerger et al

Serial No.: 09/921,286

Filed: August 2, 2001

For: An Electrochemical Energy Storage Device

) Group Art Unit: 1745

) Examiner: Mark Ruthkowsky

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Suzanne M. Hearn
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July 28, 2004
(date of mailing document)

RESPONSE TO OFFICE ACTION

Dear Sir:

Responsive to the Official Action dated January 29, 2004, please reconsider
the above-identified patent application in light of the following remarks.

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REMARKS

Claims 1-3 and 5-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al (WO99/16138) in view of Oka et al (US 5,830,603). The Official Action cites Burger for its teaching of an electrochemical energy storage device comprising a porous carrier material of PTFE having inner pores in which a perfluorinated-polyether phosphate is present. The Official Action concedes that Burger does not teach the use of KOH as an electrolyte.

Oka is cited for its teaching of an electrochemical energy storage device comprising a carrier material of porous PTFE having inner pores that are imbibed with a hydrophilic resin used with KOH as an electrolyte (such as in example 1). No perfluorinated-polyether phosphate is disclosed as a coating material in Oka. The Official Action concludes that it would be obvious to one of ordinary skill in the art at the time the invention was made to use KOH as the base electrolyte of Burger because it is broadly known to be used as a basic electrolyte in an electrochemical device in order to transfer electrochemical charge.

Despite this combination of prior art references, applicants' claim 1 is patentable nevertheless because the surprising results it produces renders it non-obvious. It is well settled that surprising and unexpected results can establish the non-obviousness of an invention.